

**Notice of Allowability**

Application No.

09/395,455

Examiner

C. Michelle Tarae

Applicant(s)

SARKISIAN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Board Decision mailed March 10, 2006.
2. ☒ The allowed claim(s) is/are 1-4,6-8,10,13-15,17-21,23,26-31 and 33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **ALLOWANCE**

1. The following is an Allowance in response to the Board Decision mailed March 10, 2006. Claims 1-4, 6-8, 10, 13-15, 17-21, 23, 26-31 and 33 are now pending in this application and are allowed below.

### ***Reasons for Allowance***

2. Claims 1-4, 6-8, 10, 13-15, 17-21, 23, 26-31 and 33 are allowed.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, *inter alia*, a method of developing a brand profile for a new product including grouping product attributes in response to customer-oriented market research, placing each of the attributes in an attribute class corresponding to brand personality importance, generating a preferred product brand position as a function of the product attributes, and generating target product characteristics as a function of the classified product attributes and the preferred product brand position, wherein the target product characteristics represent customer-driven objectives for each of a plurality of product attributes to be incorporated into the new product.

Furthermore, with regard to independent claims 13 and 28, the new product is an automotive vehicle.

The prior art most closely resembling Applicant's claimed invention are as follows: Frost (U.S. 5,041,972), Cooper et al. "Building market structures from

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consumer preferences," Eisner et al., "Essentials of Project and Systems Engineering Management," and McCarthey et al., "Basic Marketing: A Global Managerial Approach."

Frost teaches assessing consumer responses relating to their evaluations of automotive vehicles. Consumers provide their emotional and rational impressions of automotive vehicles. These emotional and rational impressions are associated to attributes of the vehicles. The assessment of consumer responses is used to develop new vehicles. However, Frost does not disclose a method of developing a brand profile for a new product including grouping product attributes in response to customer-oriented market research, placing each of the attributes in an attribute class corresponding to brand personality importance, generating a preferred product brand position as a function of the product attributes, and generating target product characteristics as a function of the classified product attributes and the preferred product brand position, wherein the target product characteristics represent customer-driven objectives for each of a plurality of product attributes to be incorporated into the new product.

Cooper et al. teaches a model that maps competitive market structures by identifying the preference structure of each customer segment using switching probabilities and attribute rankings. Cooper et al. teaches that when a consumer considers choices among a competitive group of automobiles, consumers considering an expensive automobile may weigh attributes such as comfort and prestige higher than consumers considering an inexpensive automobile, who may weigh attributes such as economy more rather than prestige. However, Cooper et al. does not disclose a

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method of developing a brand profile for a new product including grouping product attributes in response to customer-oriented market research, placing each of the attributes in an attribute class corresponding to brand personality importance, generating a preferred product brand position as a function of the product attributes, and generating target product characteristics as a function of the classified product attributes and the preferred product brand position, wherein the target product characteristics represent customer-driven objectives for each of a plurality of product attributes to be incorporated into the new product.

Eisner et al. teaches the use of cross-functional teams for the development of products, where the teams include marketing and sales. However, Eisner et al. does not disclose using the teams to specifically conduct a method of developing a brand profile for a new product including grouping product attributes in response to customer-oriented market research, placing each of the attributes in an attribute class corresponding to brand personality importance, generating a preferred product brand position as a function of the product attributes, and generating target product characteristics as a function of the classified product attributes and the preferred product brand position, wherein the target product characteristics represent customer-driven objectives for each of a plurality of product attributes to be incorporated into the new product.

McCarthy et al. teaches basic marketing principles including placing marketing data such as product, price, place and promotion into a bullseye formation, where the bullseye formation of data helps to make strategic decisions relating to product

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development. However, McCarthey et al. does not disclose a method of developing a brand profile for a new product including grouping product attributes in response to customer-oriented market research, placing each of the attributes in an attribute class corresponding to brand personality importance, generating a preferred product brand position as a function of the product attributes, and generating target product characteristics as a function of the classified product attributes and the preferred product brand position, wherein the target product characteristics represent customer-driven objectives for each of a plurality of product attributes to be incorporated into the new product.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Eldering (U.S. 6,298,348) discusses a consumer profiling system;
- Garg (U.S. 6,009,407) discusses an integrated marketing and decision-making system that segments customers for competing brands;

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- WO 99/12115 discusses targeting consumers based on their purchase histories where purchase histories indicate brand loyalty;
- JP 11066156 discusses determining brand loyalty among purchasers;
- Innis, Daniel E. et al. "Customer service : The key to customer satisfaction, customer loyalty, and market share," *Journal of Business Logistics*, 1994 [retrieved from Dialog] discusses customers weighting attributes they deem important, where the attribute is associated with a brand;
- Turley, LW et al. "Brand name strategies in the service sector," *Journal of Consumer Marketing*, 1995 [retrieved from Dialog] discusses aspects of brand associations to include attributes;
- "Maximizing potential," *Apparel Industry Magazine*, May 1998 [retrieved from Dialog] discusses improving products' brand strength;
- Boyd, Thomas et al. "The link between attractiveness of "extrabrand" attributes and the adoption of innovations," *Journal of the Academy of Marketing Science*, Summer 1999 [retrieved from Dialog] discusses consumers evaluating product attribute by product category; and
- Malhotra, Naresh K et al. "Marketing research: A state-of-the-art review and directions for the twenty-first century," *Journal of the Academy of Marketing Science*, Spring 1999 [retrieved from Dialog] discusses brand attribute evaluations and product categories.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. Michelle Tarae  
Patent Examiner  
Art Unit 3623

June 1, 2006